

Frank H. Stoy

From: langtont@gtlaw.com
Sent: Friday, July 9, 2021 11:39 AM
To: mjgoldenberglaw.com; ltaylor@goldenberglaw.com
Cc: hkutson@goldenberglaw.com; slgoldenberglaw.com; lockardv@gtlaw.com
Subject: RE: Robert Garcia - Deposition / Valsartan

Hi Marlene,

We do think this issue is ripe for Judge Vanaskie and plan to add it to the agenda for the CMC. We think the protocols related to remote depositions were clearly framed in the context of permitting depositions to move forward during the pandemic—at a time when infection rates were high, vaccines were unavailable, and stay-at-home orders and other restrictions on in-person gatherings were in place—and the CMO clearly contemplates an end to these protocols. We have indicated a willingness to be receptive to particular Plaintiff health concerns, but we don't think the protocol ever contemplated that once the pandemic situation had improved and public health measures had been lifted, Plaintiffs could simply choose between a remote or in-person deposition based on personal preference.

We also do not think we need to provide an explanation as to why we want to take the depositions in person. In-person depositions have always been the norm outside the context of the pandemic.

It sounds like we are not going to be able to reach agreement on this issue, and therefore plan to add this to the CMC agenda, unless you think it would be productive for us to set up a meet and confer today.

Best,
Tori

From: Marlene Goldenberg <mjgoldenberglaw.com>
Sent: Thursday, July 8, 2021 12:03 PM
To: Langton, Tori (OfCnl-ATL-LT) <langtont@gtlaw.com>; Leah Taylor Mattsen <ltaylor@goldenberglaw.com>
Cc: Halle Knutson <hkutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberglaw.com>; Lockard, Victoria D. (Shld-Atl-LT) <lockardv@gtlaw.com>
Subject: Re: Robert Garcia - Deposition / Valsartan

Tori,

The only question I asked our client was which option would make him the most comfortable, and he told me he would prefer the deposition to take place remotely. I disagree that this is an insufficient basis to proceed remotely. I should also add that these depositions being in person turn into three-day events.

If you want to insist on this being in person, you are welcome to raise this with the judge, but you have not provided any reason for this being in person. Please let us know what arguments you intend to make.

Thank you,

Marlene

Marlene J. Goldenberg • Partner



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From: langtont@gtlaw.com <langtont@gtlaw.com>

Sent: Tuesday, July 6, 2021 12:03 PM

To: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Cc: Halle Knutson <hknutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberg@goldenberglaw.com>;
lockardv@gtlaw.com <lockardv@gtlaw.com>

Subject: RE: Robert Garcia - Deposition / Valsartan

Hi Marlene,

My understanding of our meet and confer was that we agreed that we would be receptive to specific concerns and also that we would attempt to accommodate them. For example, we have recently had depositions take place in person with a remote court reporter and videographer, so we could discuss the deposition taking place in a large conference room with only two counsel present and whether that may alleviate Mr. Garcia's concerns. You have not explained his particular concern, and "comfort level" could mean many things. Most people would probably be more comfortable with a remote deposition, but we did not agree that that in and of itself is a basis for the deposition to proceed remotely.

Please let me know if you are available to confer regarding this.

Best,
Tori

From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Tuesday, July 6, 2021 11:16 AM

To: Langton, Tori (OfCnl-ATL-LT) <langtont@gtlaw.com>; Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Cc: Halle Knutson <hknutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberg@goldenberglaw.com>; Lockard, Victoria D. (Shld-Atl-LT) <lockardv@gtlaw.com>

Subject: Re: Robert Garcia - Deposition / Valsartan

Tori,

As we explained on the global meet and confer last week, we do not believe there needs to be a basis beyond our client's comfort level. If you plan on raising this with the court, please provide us with your reasons for insisting that this take place in person.

Thanks,

Marlene

Marlene J. Goldenberg • Partner



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From: langtont@gtlaw.com <langtont@gtlaw.com>

Sent: Thursday, July 1, 2021 10:57 AM

To: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Cc: Halle Knutson <hknutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberg@goldenberglaw.com>;
lockardv@gtlaw.com <lockardv@gtlaw.com>

Subject: RE: Robert Garcia - Deposition / Valsartan

Hi Marlene,

My understanding of our discussion was that we would evaluate the situation on a case-by-case basis and that we would be receptive to unique concerns. I'm sure that most people given the choice would prefer a deposition by Zoom. I'd like to understand what Mr. Garcia's specific concern is and if there is a way we can work with you and him to alleviate it.

Best,
Tori

From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Thursday, July 1, 2021 11:52 AM

To: Langton, Tori (OfCnl-ATL-LT) <langtont@gtlaw.com>; Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Cc: Halle Knutson <hknutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberg@goldenberglaw.com>; Lockard, Victoria D. (Shld-Atl-LT) <lockardv@gtlaw.com>

Subject: Re: Robert Garcia - Deposition / Valsartan

Tori,

Our client is not comfortable with an in-person deposition, and I am not planning on being there in person. Based on our meet and confer the other day, my understanding is that defendants are not insisting on an in-person deposition so long as neither attorney is there.

Thanks,

Marlene

Marlene J. Goldenberg • Partner



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From: langtont@gtlaw.com <langtont@gtlaw.com>

Sent: Thursday, July 1, 2021 9:40 AM

To: Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Cc: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Halle Knutson <hknutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberg@goldenberglaw.com>; lockardv@gtlaw.com <lockardv@gtlaw.com>

Subject: RE: Robert Garcia - Deposition / Valsartan

Hi all,

I'm glad you are able to keep the July date. Please let me know the basis for the objection to an in-person deposition in this particular case and when you are available for a meet and confer regarding the same. Again, I am fully vaccinated and have proposed the deposition to take place in a large conference room to permit social distancing. As you probably know, current CDC guidelines provide that fully vaccinated individuals can safely gather in small groups without masks.

Best,
Tori

From: Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Sent: Thursday, July 1, 2021 10:27 AM

To: Langton, Tori (OfCnl-ATL-LT) <langtont@gtlaw.com>

Cc: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Halle Knutson <hknutson@goldenberglaw.com>; Stuart Goldenberg <slgoldenberg@goldenberglaw.com>

Subject: RE: Robert Garcia - Deposition / Valsartan

Hi Tori,

Unfortunately, Marlene is not able to make another date in July work. Because we also do not want to delay Mr. Garcia's deposition Stuart Goldenberg, another attorney in our office and cc'd here, is available on July 22nd. He will be attending the deposition remotely as Mr. Garcia has requested it be via Zoom.

Regarding the authorizations you have requested, we will upload them by end of day tomorrow.

Best,
Leah

From: langtont@gtlaw.com <langtont@gtlaw.com>

Sent: Wednesday, June 30, 2021 10:17 AM

To: Leah Taylor Mattsen <ltaylor@goldenberglaw.com>

Cc: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Halle Knutson <hknutson@goldenberglaw.com>

Subject: RE: Robert Garcia - Deposition / Valsartan

Hi all,

We had actually firmly set this date—Ellen told me she had confirmed it with your firm—and the only reason we had not served an official notice is that we were awaiting a response from your firm to my email regarding the location of the deposition. I'm attaching my last email to your firm about this here, requesting completion of multiple authorizations for the collection of additional medical records for Mr. Garcia and proposing to notice this deposition to take place at Greenberg Traurig's Houston office. I'm sure you can understand that this email is a bit frustrating to receive.

I have another deposition on July 27 (scheduled around this one), so that date will not work for me, and I do not want to push this deposition to mid- to late-August. Please let me know if you are available any other dates in July, if the 22nd

will no longer work. Please also provide confirmation on the location so we can get a notice out. Finally, please have Mr. Garcia sign and return the additional authorizations, which are included with the email I'm reattaching here.

Best,
Tori

From: Leah Taylor Mattsen <ltaylor@goldenberglaw.com>
Sent: Wednesday, June 30, 2021 11:03 AM
To: Langton, Tori (OfCnl-ATL-LT) <langtont@gtlaw.com>
Cc: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Halle Knutson <hknutson@goldenberglaw.com>
Subject: Robert Garcia - Deposition / Valsartan

EXTERNAL TO GT

Hi Tori,

My name is Leah Taylor, I am the legal assistant working with Marlene on the Valsartan litigation. I'm reaching out today to schedule Mr. Robert Garcia's deposition. I believe the previous firm who was handling his case had a tentative date of July 22nd. Unfortunately, that date does not work for our firm, and because we did not receive an official Notice we would instead like to propose it take place via Zoom on July 27th. If that date does not work, we are looking at mid- to late-August for when we would be available. Please let me know what you think.

Best,



Leah K. Taylor Mattsen • Legal Assistant
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